

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MAX LAURENCE PERU,

Defendant.

Cr. No. 18-2321 KG

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW Defendant, MAX LAURENCE PERU, by and through his attorney, BARBARA A. MANDEL, Assistant Federal Public Defender, and hereby moves this Court to continue his trial scheduled for November 27, 2018, for approximately 60 days, or until the Court's January docket. This Motion is unopposed by the Government.

As grounds therefor, Defendant states:

(1) Defendant appeared for his initial appearance on an indictment on August 2, 2018. He was arraigned on August 7, 2018.

(2) Although the Government has provided some discovery to the defense, discovery is not yet complete.

(3) Defense counsel is filing a motion for a Form 13 presentence report in order to determine Mr. Peru's criminal history. This report will allow the government and Mr. Peru to make more informed decisions regarding whether a settlement in this case is possible. Mr. Peru's criminal history is complicated and it is important to determine whether or not he is facing a ten year maximum sentence, or a 15-year minimum sentence.

(4) If the Court grants Mr. Peru's motion for a Form 13, the Court will set a 55-day deadline for the probation office to complete the report. After the report is completed, the parties will need additional time to review the report and make appropriate decisions.

(5) In compliance with the provisions of 18 U.S.C. § 3161(h)(7)(A), counsel affirmatively states that the ends of justice will be served by granting this continuance.

(6) Pursuant to *United States v. Toombs*, 574 F.3d 1262 (2009), this continuance is necessary in order for the parties to complete the discovery process, for the probation office to complete a Form 13 presentence report, for the parties to review the report and make appropriate decisions based upon the report.

The Government, through Assistant United States Attorney Marisa Ong, has no objection to this motion.

WHEREFORE, Defendant respectfully prays that the Court grant the relief requested herein.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
506 S. Main, Suite 400
Las Cruces, New Mexico 88001
(575) 527-6930

Electronically filed (September 21, 2018)

By: /s/ Barbara A. Mandel

BARBARA A. MANDEL
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing pleading has been served on Marisa Ong, Assistant United States Attorney, on this 21st day of September, 2018.

Electronically filed (September 21, 2018)

/s/ Barbara A. Mandel

BARBARA A. MANDEL

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